

11-09-05

TFW 3625

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail, Airbill No. EV644664985US, in an envelope addressed to: MS Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: November 7, 2005

Signature:

(Marco Jimenez)

Docket No.: 393032023900
Client reference: PA0009US (H7450US)
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Taro TOKUHIRO et al.

Confirmation No.: 1512

Application No.: 09/824,483

Examiner: Mark A. Fadok

Filed: March 30, 2001

Art Unit: 3625

For: METHOD FOR SELLING ITEMS USING A
NETWORK

RESPONSE TO RESTRICTION REQUIREMENT

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

INTRODUCTORY COMMENTS

This is response to the restriction requirement set forth in the Office Action dated September 19, 2005, for which a response was due on October 19, 2005, and for which a one-month extension of time is also requested to extend the time for response from October 19, 2005, to November 21, 2005 (the first business day following November 19, 2005). Applicants hereby elect with traverse Group IA - Claims 16, 18, 21, and 22 for continued examination. Applicants traverse the rejection on two grounds. First, it is believed that at least claims 16, 21 and 22 are generic. Indeed, the Examiner's own restriction requirement suggest this conclusion given that these claims are in each group. Second, Applicants are uncertain as to the status of claim 20, which is not included in any group. Therefore, Applicants respectfully request that the Examiner clarify the status of claim 20 so that Applicants can properly respond to the restriction.

Applicants expressly reserve their right under 35 U.S.C. §121 to file a divisional application directed to the nonelected subject matter during the pendency of this application, or an application claiming priority from this application.

Applicants request examination of the elected subject matter on the merits.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, Applicants petition for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing Docket No. 393032023900.

Dated: November 7, 2005

Respectfully submitted,

By 
Mehran Arjomand

Registration No.: 48,231
MORRISON & FOERSTER LLP
555 West Fifth Street, Suite 3500
Los Angeles, California 90013
(213) 892-5200